

REMARKS

Claims 1-49 are rejected under the judicially created doctrine of obviousness-type double patenting from claims 1-43 of Patent No. 6,365,212. An executed Terminal Disclaimer is enclosed. It is respectfully understood that this Terminal Disclaimer overcomes this double patenting rejection.

This submission is made without admitting the propriety of the rejection and is done solely in order to serve the statutory function of removing the double patenting rejection, and this action raises neither a presumption nor an estoppel with respect to the merits of the double patenting rejection or to the scope and/or proper construction to be given to any claim of any patent to be issued from either the present application or any application or patent related thereto.

Applicants return herewith three PTO-1449 sheets which relate to a different application and request that the references listed on these three sheets not be included in the listing of references of the issued patent.

Applicants have made an earnest endeavor to place this application into condition for allowance, and favorable consideration is respectfully requested.

Respectfully submitted,

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CUMMINGS & MEHLER, LTD.

A handwritten signature in black ink, appearing to read "Michael J. McGee", with a long horizontal line extending to the right.

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- 3 -

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